

**STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.**

ATTORNEYS AT LAW

1100 NEW YORK AVENUE, N.W. • WASHINGTON, D.C. 20005-3934

PHONE: (202) 371-2600 • FACSIMILE: (202) 371-2540 • www.skgf.com

ROBERT GREENE STERNE  
EDWARD J. KESSLER  
JORGE A. GOLDSTEIN  
SAMUEL L. FOX\*\*  
DAVID K.S. CORNWELL  
ROBERT W. ESMOND  
TRACY-GENE G. DURKIN  
MICHELE A. CIMBALA  
MICHAEL B. RAY  
ROBERT E. SOKOHL  
ERIC K. STEFFE  
MICHAEL O. LEE  
STEVEN R. LUDWIG

JOHN M. COVERT  
LINDA E. ALCORN  
ROBERT C. MILLONIG  
MICHAEL V. MESSINGER  
JUDITH U. KIM  
TIMOTHY J. SHEA, JR.  
PATRICK E. GARRETT  
JEFFREY T. HELVEY\*  
HEIDI L. KRAUS  
JEFFREY R. KURIN  
PATRICK D. O'BRIEN  
LAWRENCE B. BUGAISKY  
CRYSTAL D. SAYLES

EDWARD W. YEE  
ALBERT L. FERRO\*  
DONALD R. BANOWIT  
PETER A. JACKMAN  
MOLLY A. MCCALL  
TERESA U. MEDLER  
JEFFREY S. WEAVER  
KENDRICK P. PATTERSON  
DONALD J. FEATHERSTONE  
VINCENT L. CAPUANO  
JOHN A. HARROUN\*  
ALBERT J. FASULO II\*  
ELDORA ELLISON FLOYD\*

W. RUSSELL SWINDELL  
THOMAS C. FIALA  
BRIAN J. DEL BUONO\*  
VIRGIL L. BEASTON\*  
RYAN J. STAMPER\*  
REGINALD D. LUCAS\*  
THEODORE A. WOOD  
ELIZABETH J. HAANES  
BRUCE E. CHALKER  
JOSEPH S. OSTROFF  
KAREN R. MARKOWICZ\*\*  
SUZANNE E. ZISKA\*\*  
ANDREA J. KAMAGE\*\*

NANCY J. LEITH\*\*  
JOSEPH M. CONRAD, III\*\*  
DOUGLAS M. WILSON\*\*  
ANN E. SUMMERFIELD\*\*  
CYNTHIA M. BOUCHEZ\*\*  
HELENE C. CARLSON\*\*  
GABY L. LONGSWORTH\*\*  
DUSTIN T. JOHNSON\*\*  
MATTHEW J. DOWD\*\*  
AARON L. SCHWARTZ\*\*

\*LIMITED TO MATTERS  
AND PROCEEDINGS BEFORE  
FEDERAL COURTS & AGENCIES  
\*\*REGISTERED PATENT AGENT  
\*\*\*SENIOR COUNSEL

December 19, 2001

**WRITER'S DIRECT NUMBER:**

(202) 371-2673

**INTERNET ADDRESS:**

JCOVERT@SKGF.COM

Commissioner for Patents  
Washington, D.C. 20231

**Group Art Unit 1626**

Re: U.S. Patent Application  
Appl. No. 09/814,123; Filed: March 22, 2001  
For: **Aryl Substituted Pyrazoles, Triazoles and Tetrazoles, and the  
Use Thereof**  
Inventors: Hogenkamp *et al.*  
Our Ref: 1861.1270001/JMC/THN

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form (PTO/SB/17) (*in duplicate*);
2. First Supplemental Information Disclosure Statement and Fee Under 37 C.F.R. § 1.97(c) (*in duplicate*);
3. Form PTO-1449 (2 sheets);
4. Copies of the following cited documents: AJ1, AK1, and AA2;
5. Our Check No. 33590 for \$180.00 to cover the fee for submission of an Information Disclosure Statement (37 C.F.R. § 1.17(p)); and
6. One (1) return postcard.

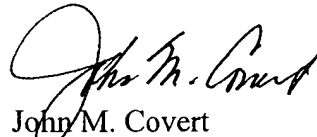
Commissioner for Patents  
December 19, 2001  
Page 2

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



John M. Covert  
Attorney for Applicants  
Registration No. 38,759

Enclosures

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$180.00)

## Complete if Known

Application Number 09/814,123  
Filing Date March 22, 2001  
First Named Inventor Derk J. Hogenkamp  
Examiner Name 1626  
Group Art Unit Shameem, G.  
Attorney Docket No. 1861.1270001/JMC/THN

## METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number 19-0036  
Deposit Account Name Sterne, Kessler, Goldstein & Fox P.L.L.C.

☐ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

☐ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☒ Other\*  
\*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

## FEE CALCULATION

### I. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1) (\$)					0.00

### 2. EXTRA CLAIM FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim	
108	80	209	40	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					0.00

\*\* or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	180.00
581	40	481	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify):					
Other fee (specify):					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$)					180.00

## SUBMITTED BY

Name (Print/Type) John M. Covert

Signature

Registration No. (Attorney/Agent)

38,759

## Complete (if applicable)

Telephone

202-371-2600

Date

Dec 19, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hogenkamp *et al.*

Appl. No. 09/814,123

Filed: March 22, 2001

For: **Aryl Substituted Pyrazoles,  
Triazoles and Tetrazoles, and the  
Use Thereof**

Confirmation No. 2060

Art Unit: 1626

Examiner: Shameem, G.

Atty. Docket: 1861.1270001/JMC/THN

**First Supplemental Information Disclosure Statement and Fee  
Under 37 C.F.R. § 1.97(c)**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed on **December 13, 2001** in connection with the above-captioned application. A copy of each document is also provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

In accordance with 37 C.F.R. § 1.97(c), fee payment under 37 C.F.R. § 1.17(p) is provided in our accompanying Check No. 33590. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



John M. Covert  
Attorney for Applicants  
Registration No. 38,759

Date: Dec. 19, 2001

1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600

FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 1861.1270001/JMC/THN	APPLICATION NO. 09/814,123
	APPLICANT Hogenkamp <i>et al.</i>	
	FILING DATE March 22, 2001	GROUP 1626

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ1	5,602,156	02/11/1997	Kohn <i>et al.</i>	514	359	03/10/1994
	AK1	5,744,492	04/28/1998	Kohn <i>et al.</i>	514	359	03/10/1994

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR		
	AS		
	AT		

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	

FORM PTO-1449 <u>INFORMATION DISCLOSURE STATEMENT</u>	ATTY. DOCKET NO. 1861.1270001/JMC/THN	APPLICATION NO. 09/814,123
	APPLICANT Hogenkamp <i>et al.</i>	
	FILING DATE March 22, 2001	GROUP 1626

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2	6,057,346	05/02/2000	Kohn <i>et al.</i>	514	359	12/12/1994
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR		
	AS		
	AT		

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
ATTORNEYS AT LAW  
GOVERNMENT FEES ACCT.  
1100 NEW YORK AVE. NW, SUITE 600  
WASHINGTON, D.C. 20005

REMITTANCE ADVICE			

33590

15-122  
540

DOLLARS

THE SUM OF 180 DOLLARS

PAY

DATE

TO THE ORDER OF

12/19/01

COMM. OF PATENTS & TRADEMARKS

1861 127 0001

TDSCF

Hogenkamp et al.

Appl. No. 09/814,123

Security Features  
Detailed on back

FIRST UNION BANK • WASHINGTON, D.C. 20005

*John M. Court*

CHECK AMOUNT
180.00

⑈033590⑈ ⑆054001220⑆ 2076500307989⑈



Applicants: Hogenkamp *et al.*  
Application No.: 09/814,123  
Filed: March 22, 2001  
For: Aryl Substituted Pyrazoles, Triazoles and Tetrazoles, and the Use Thereof

Due Date: None  
Art Unit: 1626  
Examiner: Shameem, G.  
Docket: 1861.1270001  
Atty: JMC/THN

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

Applicants: Hogenkamp *et al.*  
Application No.: 09/814,123  
Filed: March 22, 2001  
For: Aryl Substituted Pyrazoles, Triazoles and Tetrazoles, and the Use Thereof

Due Date: None  
Art Unit: 1626  
Examiner: Shameem, G.  
Docket: 1861.1270001  
Atty: JMC/THN

- When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:
1. SKGF Cover Letter (*in duplicate*);
  2. Fee Transmittal Form (PTO/SB/17) (*in duplicate*);
  3. First Supplemental Information Disclosure Statement and Fee Under 37 C.F.R. § 1.97(c) (*in duplicate*);
  4. Form PTO-1449 (2 sheets);
  5. Copies of the following cited documents: AJ1, AK1, and AA2;
  6. Our Check No. 33590 for \$180.00 to cover the fee for submission of an Information Disclosure Statement (37 C.F.R. § 1.17(p)); and
  7. One (1) return postcard.



December 19, 2001

Please Date Stamp And Return To Our Courier